

MEMO ENDORSED
 USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #:
 DATE FILED: 03/04/2024

 110 E. 59TH STREET, FLOOR 23
 NEW YORK, NY 10022
 TEL: (212) 566-1000

March 4, 2024

VIA ECF

Honorable Valerie E. Caproni
 United States District Judge
 Southern District of New York
 40 Foley Square
 New York, New York 10007

Re: *USA v. Velez (Christopher Nelson) (VOSR)*
 Ind. # 19 Cr. 862 (VEC)

Dear Judge Caproni:

As the Court is aware, Mr. Nelson is charged with violating his supervised release due to, among other specifications, allegations that he engaged two drug sales in Suffolk County. A VOSR hearing is scheduled to begin before Your Honor on Monday, March 11, 2024.

On Friday morning, I informed the government that Mr. Nelson had intended on waiving his right to a hearing and pleading guilty to the specification regarding the drug sales. On Friday afternoon, however, the government informed me that Mr. Nelson had been indicted by a grand jury in Suffolk County on both the drug sales contained in the VOSR report. After I was informed of the indictment, I immediately reached out the Suffolk County DA who is assigned the matter. Mr. Nelson has not yet initially appeared on this indictment so I presently have no knowledge of who will represent him, or which Judge will be assigned to handle the case. I have requested a copy of the indictment from the DA, but it has not yet been provided.

Suffice it to say, until I have a better understanding of what Mr. Nelson faces in Suffolk, now that he has been indicted, and speaking to his lawyer and the DA. I am unable to effectively advise Mr. Nelson on the consequences of his guilty plea to the instant VOSR. Although pleading guilty to the VOSR may still be what Mr. Nelson chooses to do at a later date, from my perspective, it is precarious now. Plainly, the indictment changes the scope of Mr. Nelson's legal exposure and requires me as his attorney to advise Mr. Nelson of choices and the consequence of those choices, given this significant development. I am therefore respectfully that the Court adjourn our hearing for four weeks for me to update the Court.

The government objects to my request for the adjournment due to witness scheduling reasons and the fact that we were aware of the possibility of an indictment since the VOSR's inception. However, a potential indictment and an indictment are two different things. Also, each time I spoke to the government, I made it a point to inquire about their knowledge of the status in Suffolk County. Now that the indictment is a reality, the VOSR landscape in the SDNY changes, and I would respectfully suggest that what makes the most sense moving forward is not a hearing, but an adjournment to learn more about Mr. Nelson's exposure in Suffolk.

Thank you for your consideration.

The request for a one month adjournment is DENIED in light of the Government's scheduling conflict. The Court will, however, entertain a request to adjourn the hearing up to one week to allow the Defendant time to consult with his attorney.

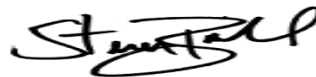
SO ORDERED.



HON. VALERIE CAPRONI 03/04/2024
UNITED STATES DISTRICT JUDGE

Very Truly Yours,

SULLIVAN | BRILL, LLP



By: Steven Brill